

REMARKS

I. Introduction

In response to the pending Office Action, Applicants have amended claim 1 so as to further clarify the intended subject matter of the present disclosure. Support for the amendment to claim 1 can be found, for example, in paragraphs [0061]-[0071] and Figs. 1 and 15 of the specification. Claim 3 has been cancelled. No new matter has been added.

Applicants note with appreciation the allowance of claim 21 and the indication that claim 7 recites patentable subject matter.

For at least the reasons set forth below, it is respectfully submitted that claim 1, as amended, is patentable over the cited prior art references.

II. The Rejection Of The Claims Under 35 U.S.C. § 102

Claims 1, 3-4, 8-10, and 13-18 were rejected under 35 U.S.C. § 102 as being anticipated by USP Pub. No. 2003/0152372 to Shimizu. For at least the reasons set forth below, it is respectfully submitted that claim 1, as amended, is patentable over the foregoing prior art reference.

Claim 1, as amended, relates to a high speed dubbing apparatus and recites in pertinent part that *"wherein a first sum is less than both a second sum and a third sum, the first sum is a sum of: a time required for the first buffer to output the bit stream stored in the first buffer, a time required for the navigation pack generator to replace the real-time data information pack with the navigation pack, and a time required for the second buffer to store the resultant bit*

stream, the second sum is a sum of: a time required for the read section to read the bit stream from the first storage device, a time required for the read section to analyze the readout bit stream, and a time required for the first buffer to store the readout bit stream, and the third sum is a sum of: a time required for the second buffer to output the bit stream stored in the second buffer, a time required for the write section to convert the bit stream output from the second buffer, and a time required for the write section to write the converted bit stream in the second storage device.”

It is respectfully submitted that, at a minimum, Shimizu fails to disclose or suggest the newly cited features of amended claim 1. Accordingly, as anticipation under 35 U.S.C. § 102 requires that each and every element of the claim be disclosed, either expressly or inherently (noting that "inherency may not be established by probabilities or possibilities", *Scaltech Inc. v. Retec/Tetra*, 178 F.3d 1378 (Fed. Cir. 1999)), in a single prior art reference, *Akzo N.V. v. U.S. Int'l Trade Commission*, 808 F.2d 1471 (Fed. Cir. 1986), based on the forgoing, it is clear that Shimizu does not anticipate claim 1.

III. Dependent Claims

Under Federal Circuit guidelines, a dependent claim is nonobvious if the independent claim upon which it depends is allowable because all the limitations of the independent claim are contained in the dependent claims, *Hartness International Inc. v. Simplimatic Engineering Co.*, 819 F.2d at 1100, 1108 (Fed. Cir. 1987). Accordingly, as claim 1 is patentable for at least the reasons set forth above, it is respectfully submitted that all claims dependent thereon are also patentable.

IV. Conclusion

Having fully responded to all matters raised in the Office Action, Applicants submit that all claims are in condition for allowance, an indication for which is respectfully solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicants' attorney at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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